

## When to utilize NRCS-CPA-026e in reply to AD-1026 requests.

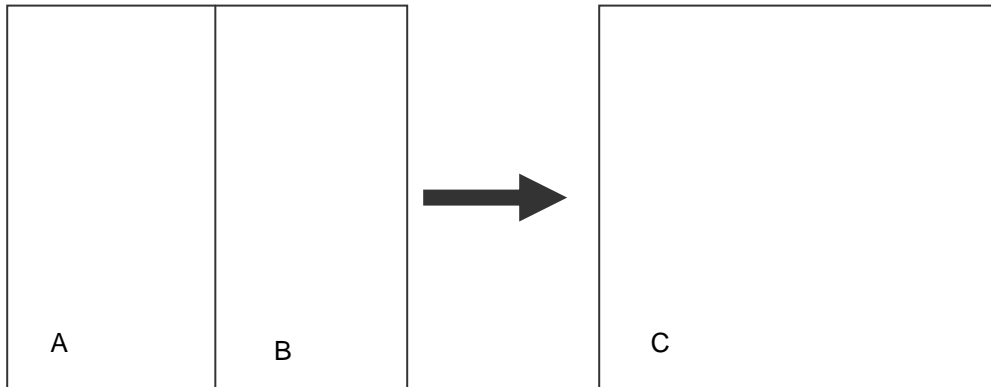
### EXAMPLES FOR FIELD OFFICES:

The purpose of this guide is to provide examples of common field/CLU boundary changes and how to respond to those changes based on an AD1026 request.

## HEL Determinations Field/CLU Examples

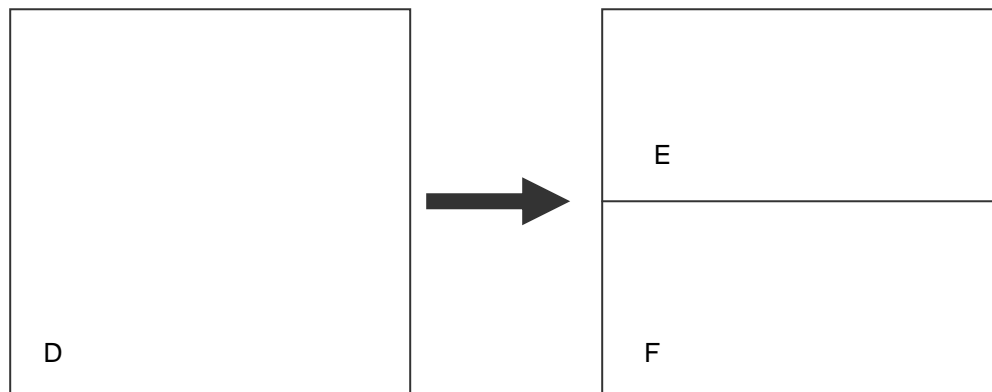
<b>A. Combine Fields</b>	<b>Page 2</b>
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■ Involves a temporary field determination	
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■ Split includes areas still cropped.	
■ Split expired CRP field(s) returned to crop production.	
■ Split includes non-cropped areas found to be conservation practices.	
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## A. Combine fields that have existing HEL determinations:



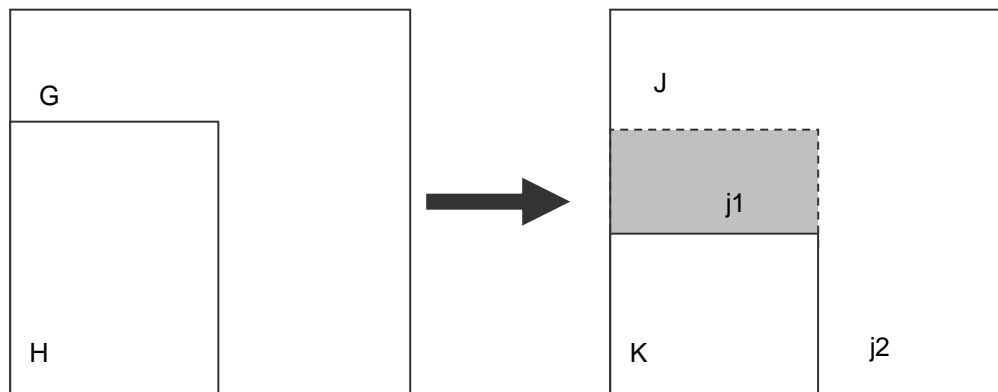
1. IF Fld A and Fld B are both HEL:
  - Combined Fld C is HEL.
    - [Generate a new CPA026 for field C as HEL.](#)
      - [In remarks section note the level of erosion control required based on eFOTG Section III, C. Legislated Programs.](#)
2. IF Fld A is HEL and Fld B is NHEL or Fld A is NHEL and Fld B is HEL:
  - Complete a new determination for Fld C using 33.3% and >50 Ac HEL rule.
    - IF new determination is HEL, Fld C is HEL.
      - [Generate a new CPA026 for field C.](#)
        - [In remarks section note the level of erosion control required based on eFOTG Section III, C. Legislated Programs.](#)
    - IF new determination is NHEL, Previous HEL field (either A or B) remains HEL and previous NHEL field (either A or B) remains NHEL.
      - *New FSA CLU C is labeled HEL by FSA Staff and code is added to CLU Comments "HEL/NHEL". Refer to Appendix for explanation.*
      - [Generate new CPA026 for Fld C as HEL.](#)
        - [In remarks section note "Fld C is HEL/NHEL".](#)
        - [In remarks section note the level of erosion control required based on eFOTG Section III, C. Legislated Programs.](#)
3. IF Fld A and Fld B are both NHEL:
  - Complete a new determination for Fld C using 33.3% and >50 Ac HEL rule.
    - IF new determination is HEL, Fld C is HEL
      - [Generate a new CPA026 for the field.](#)
        - [New field will require a conservation plan to the appropriate conservation treatment level based on eFOTG Section III, C. Legislated Programs..](#)
    - IF new determination is NHEL, Fld C is NHEL.
      - [Write note on AD1026 that Fld C is NHEL sign, date and return to FSA.](#)

**B. Split a field that has an existing HEL determination into two separate fields – split line IS a “physical” boundary for HEL determination process (i.e. fence or distinct cropline):**



- IF new split line is the result of a new physical boundary (i.e. fence or distinct cropline):
  - IF Fld D was NHEL:
    - Complete a new determination for Fld E and Fld F using 33.3% and >50 Ac HEL rule.
      - IF new determination for either Fld E or Fld F is NHEL, the new field is NHEL.
        - Write note on AD1026 for the field(s) that are NHEL sign, date and return to FSA.
      - IF new determination for either Fld E or Fld F is HEL, the new field (E or F) is HEL.
        - Generate a new CPA026 for the field(s) that are HEL.
          - New field will require a conservation plan to the appropriate conservation treatment level required based on eFOTG Section III, C. Legislated Programs.
  - IF Fld D Was HEL:
    - Complete a new determination based on the following rules.
      - IF Fld E or Fld F contains no remaining HEL mapunits, the resulting field is NHEL.
        - Write note on AD1026 that the resulting field is NHEL sign, date and return to FSA.
      - IF Fld E or Fld F contains any remaining HEL mapunits, the resulting field is HEL.
        - Generate a new CPA026 for the field(s) that are HEL.
          - In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs.
- IF new split line is due to an invisible ownership line and cropping is not effected by the boundary (no physical boundary or defined cropline boundary):
  - Consultation between NRCS and FSA to determine if a new CPA026 is needed according to guidance in NFSAM and/or 6-CP.

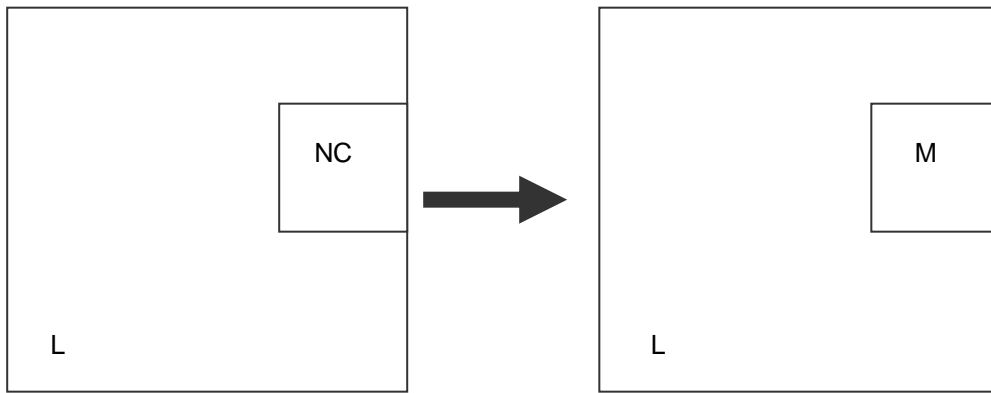
### C. Split and Combine, involves two steps:



Fld H is split by a new “permanent” boundary.

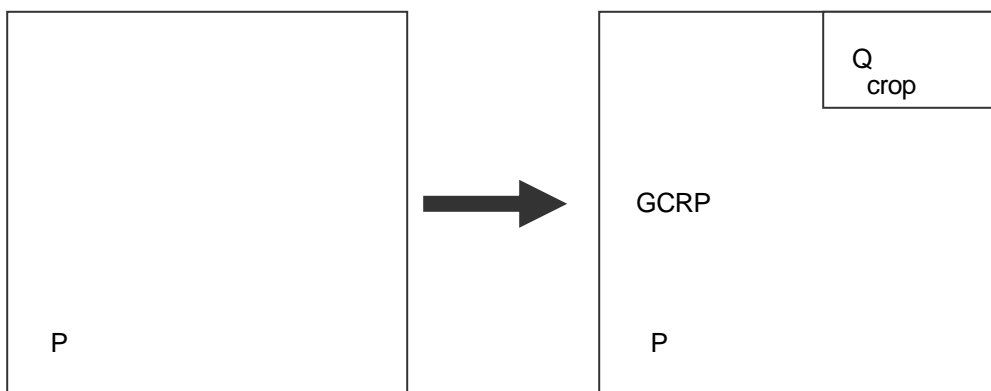
- The gray shaded, dash outlined area (j1) is combined with previous Fld G (j2).
  - The gray shaded, dashed outlined area (j1) should be given a temporary field boundary and number by FSA to properly complete the determination.
  - The final new fields will be K ( $H - j1$ ) and J ( $j1 + j2$ )
- 
- For Fld K follow the steps previously outlined under section “B.” for splitting a previously determined field (previously determined Fld H is split into Fld j1 and Fld K). The determination result is of splitting previous field H is the correct determination and action for Fld K.
  - For the gray shaded, dash outlined area (j1) that was previously part of Fld H that will be combined with previously labeled Fld G. Fld G will be labeled new Fld J after combining Fld j1 and Fld j2. Two steps must be completed:
    - Step 1: Follow the steps previously outlined under section “B.” for splitting a previously determined field (previously determined Fld H is split into Fld j1 and Fld K). The result is the correct determination and action for the temporary Fld j1 (gray shaded, dashed outlined area).
    - Step 2: Follow the steps previously outlined under section “A.” for combining previously determined fields. Combine temporary Fld j1 (grey shaded, dashed outlined area) determined in Step 1 above with previous Fld G which is now labeled Fld j2. The result of combining Fld j1 and Fld j2 is the correct determination and action for the new complete area of Fld J (combined area of j1 and j2).

## D. Sodbuster:



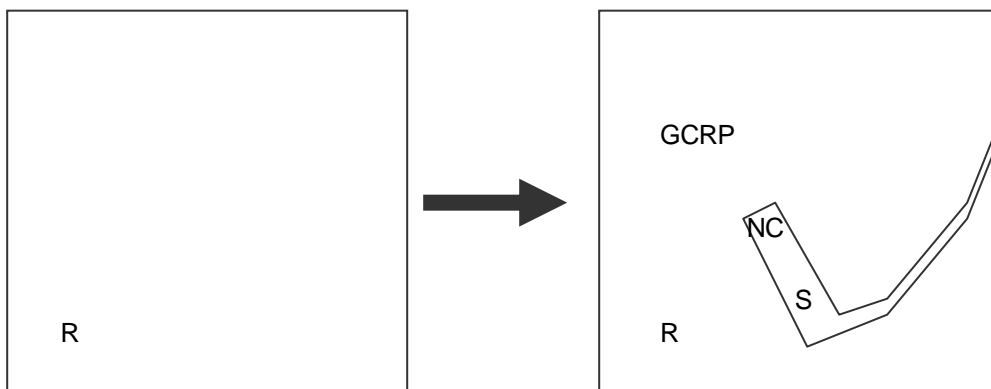
- Previous non-cropped field “NC” is planned to be sodbusted into new Fld M:
  - Complete a new determination using 33.3% and >50 Ac rule for new Fld M.
    - IF new field M is either HEL or NHEL.
      - [Generate new CPA026 for the field.](#)
        - [If new field M is HEL, in remarks section note the level of erosion control required based on eFOTG Section III, C. Legislated Programs. Note: refer to sodbuster planning considerations below for possible Small Area Exemption.](#)
    - ***IF only a portion of previously determined Fld M is actually sodbusted (producer only breaks out a portion of Fld M):***
      - The original determination of “Fld M” stands unless, (1) the producer requests a redetermination in writing and (2) the producer submits a preponderance of evidence to justify the redetermination. If the producer meets these two requirements, complete a new determination using 33.3% and >50 Ac rule for actual area sodbusted.
        - IF new area actually sodbusted is either HEL or NHEL.
          - [Generate new CPA026 for the field.](#)
            - [If new field area actually sodbusted is HEL, in remarks section note the level of erosion control required based on eFOTG Section III, C. Legislated Programs. Refer to sodbuster planning considerations below.](#)
- ***Refer to section “A.” if sodbust area (Fld M) is combined with Fld L.***
- ***SODBUSTER PLANNING CONSIDERATIONS FOR HEL (Area sodbusted is HEL):***
  - IF sodbust area (Fld M) is combined with Fld L (Fld L is either NHEL or HEL) and the sodbust area does not qualify as a small area exemption:
    - [Develop or revise conservation plan with sodbust area \(Fld M\) planned to sodbust level requirements based on eFOTG Section III, C. Legislated Programs.](#)
  - IF sodbust area (Fld M) is combined with Fld L that is HEL, consider Small Area Exemption as follows:
    - IF sodbust area (Fld M) qualifies for a small area exemption per NFSAM requirements (i.e. capped wells, rock pile, old farmstead, trees or brush, etc.) (520.14):
      - IF current conservation plan for Fld L is technically adequate:
        - [Make pen & ink change to existing plan that insures the area of Fld M meets the level of treatment for Fld L.](#)
      - IF current conservation plan for Fld L is not technically adequate:
        - [Revise plan to for both Fld L and Fld M to allowable planning requirements based on eFOTG Section III, C. Legislated Programs based on the level of treatment for Fld L.](#)
    - IF Fld L is NHEL, Small Area Exemption does not apply:
      - [Develop conservation plan with sodbust area \(Fld M\) planned to sodbust level requirements based on eFOTG Section III, C. Legislated Programs.](#)

## E. General CRP with split of area still cropped:



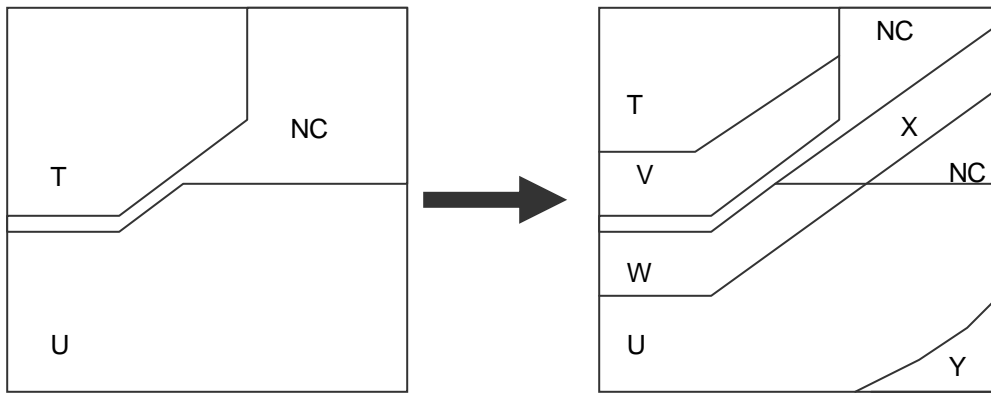
- Field P is put into General CRP and a remaining portion of old Field P is split out and remains in cropland (Field Q).
  - New Determination (6 CP 502): Complete a new determination using 33.3% and >50 Ac rule for both new Fields P & Q.
    - [Generate a new CPA026 for the field.](#)
    - [In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs](#)
- Field P (previously CRP) is returned to crop production and Field Q continues to be cropped.
  - Determination reverts back to the original determination for Field P prior to Field Q being split out.
    - IF original parent field Field P was HEL.
      - [Generate a new CPA026 for the field.](#)
      - [In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs](#)
    - IF original parent field Field P was NHEL.
      - [Write note on AD1026 that Field P is NHEL sign, date and return to FSA.](#)

## General CRP with split of area non-cropped Conservation Practice:



- Field R is put into General CRP and a remaining portion of old Field R is split out as Field S (no crop history for CRP) and is found to be a conservation practice such as a waterway, diversion, terrace etc...
  - New Field S carries the HEL determination of original parent field, in this case Field R before the split was made.
    - IF original parent field Field R was HEL, new Field R and Field S are HEL.
      - [Generate a new CPA026 for the fields.](#)
      - [In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs](#)
    - IF original parent field Field R was NHEL, new Field R and Field S are NHEL.
      - [Write note on AD1026 that Field R and Field S are NHEL sign, date and return to FSA.](#)

## F. Continuous CRP/CREP:



- Flds V, W, X, Y are new Continuous CRP and/or CREP fields. Note Fld X is Marginal Pastureland.
- Fld T and V carry the original determination for Fld T before CCRP Fld V was split out.
  - IF original field Fld T was NHEL, new Fld T and Fld V are NHEL.
    - Write note on AD1026 that Fld T and Fld V are NHEL sign, date and return to FSA.
  - IF original field Fld T was HEL, new Fld T & V are HEL.
    - Generate a new CPA026 for the fields.
    - In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs
- Fld U, W and Y carry the original determination for Fld U before CCRP Fld W & Y were split out.
  - IF original field Fld U was NHEL, new Fld U, W & Y are NHEL.
    - Write note on AD1026 that Fld U, W & Y are NHEL sign, date and return to FSA.
  - IF original field Fld U was HEL, new Fld U, W & Y are HEL.
    - Generate a new CPA026 for the fields.
    - In remarks section note the level of erosion control required required based on eFOTG Section III, C. Legislated Programs
- Fld X is Marginal Pastureland, HEL determination is not necessary.
  - Write note on AD1026 that Fld X is Marginal Pastureland and no HEL Determination is necessary for Marginal Pastureland sign, date and return to FSA.

## Appendix – Example AD-1026 when combining sodbust area with adjacent field(s):

FSA Action: Add note at the bottom of the AD-1026 form to confirm the pending field combination request.

		YES	NO
9. During the crop year entered in Item 3 above, or the term of a requested USDA loan, did you or will you plant and produce an agricultural commodity on land for which a highly erodible determination has not been made?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Since December 23, 1985, or during the current crop year, or during the term of a requested USDA loan, has anyone performed, or will anyone perform any activities to:			
A. Create new drainage systems, or conduct land leveling, filling, dredging, land clearing, excavation, or stump removal, that has NOT been evaluated by NRCS? If "YES", indicate year(s): 2011		<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate year(s):		<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s):		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.			
11. If "YES" to Items 5, 10A and/or 10B or 10C enter the following for the land the answer applies to:			
A. Farm and/or tract/field number: Fxxx/Txxx/sodbust fld 8 (X.X ac) Note: Combine 2, 3 & 8 for new field 9.			
B. Activity: Remove trees and stumps from sodbust pasture area (field 8) for crop production			
C. Current land use (specify crops): Grass/trees/pasture			
D. County: XXXXXXX			
A "YES" answer in Items 5, 9 or 10 authorizes FSA to refer this AD-1026 to NRCS. If you check "YES" to Item 10C, NRCS does not have to conduct a certified wetland determination. (Contact your County FSA Office if you are unsure about the answers to Items 5, 9 and 10.)			
<b>Continuous AD-1026 Certification:</b>			
I have read the AD-1026 Appendix and understand and agree that my eligibility for certain USDA program benefits is contingent upon this certification of compliance with highly erodible land and wetland conservation provisions of the Food Security Act of 1985 as amended, and if a determination is made that results in a violation and ineligibility, I agree to refund all applicable payments.			
<ul style="list-style-type: none"> <li>I agree to the terms and conditions stated on AD-1026 Appendix on all land in which I have or will have an interest and understand that I am responsible for any non-compliance with these provisions.</li> <li>I agree that I will file a revised AD-1026 if there are any changes in my operation or activities that may affect compliance with these provisions.</li> <li>I understand that affiliated persons are also subject to compliance with these provisions and their failure to comply or file AD-1026 will result in loss of eligibility to persons or enterprises with whom they are affiliated. (See Page 3 of this form for affiliated persons.)</li> </ul>			
12. Signature of Producer		I hereby certify that the information on this form is true and correct to the best of my knowledge, and I authorize NRCS to make a HEL and/or certified wetland determination on the tract or farm numbers listed above.	
_____ Producer's Signature		_____ Date (MM-DD-YYYY)	
13. Referral to NRCS (Completed by FSA) Sign and date if a NRCS determination is needed for any reason including a "YES" answer in Items 5, 9, 10A, 10B, or 10C.		13A. Signature of FSA Representative _____ 13B. Date (MM-DD-YYYY) _____	
ORIGINAL - FSA COPY <input type="checkbox"/> NRCS COPY <input type="checkbox"/> PRODUCER'S COPY <input type="checkbox"/> Note to NRCS: sodbust fld 8(x.x ac) - combine previous fld 2(XX.X:NHEL), 3(XX.X:HEL) with sodbust fld 8(x.x:?) for new fld 9.			

### Example AD-1026 Map:

2 XX.X NHEL	8 X.X X	3 XX.X HEL	Note: Combine field 2, 8 and 3 into new field 9.
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In reply to the above example, NRCS will return one new form NRCS-CPA-026 with a preliminary technical determination for new field 9. The "Remarks" portion of the NRCS-CPA-026 will include information concerning the sodbust HEL determination for field 8. See next page for an example of the returned NRCS-CPA-026 and map.



Example returned NRCS-CPA-026 (see previous page for example AD-1026 request)

NRCS-CPA-026 addresses new field 9, combination of sodbust request field 8 and previously determined fields 2 and 3. Remarks section contains information concerning the field combination request.

### Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	Yes
Are there highly erodible soil map units on this farm?	Yes

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
9	Yes	Yes	XXX.X	01/14/2011

The Highly Erodible Land determination was completed in the office.

### Section II - Wetlands

Are there hydric soils on this farm?	Yes
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Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Preliminary Determination Date	Final Certification Date

The Preliminary Wetland Determination was completed in the office.

It was to the USDA participant.

Remarks:

Field #9 is HEL. Field #9 is a combination of previous 2011 request sodbust field #8 (X.X ac.HEL), #2(XX.X.NHEL) & #3 (XX.X.HEL). Previous field #8 (sodbust) must meet soil conservation system to "T". Previous field #2 (XX.X) and #3 (XX.X) must meet soil conservation system to 2 "T". Refer to eFOTG Section III, C. Legislated Programs for specific conservation system requirements.

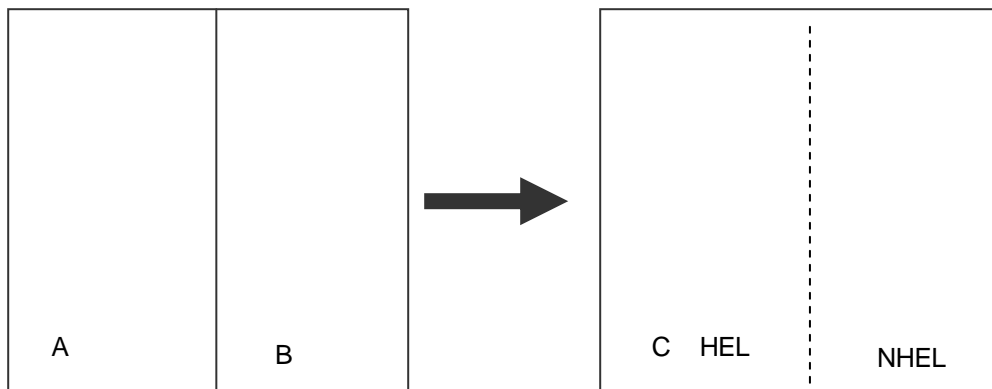
Example Map Returned with NRCS-CPA-026

<p>2 XX.X</p> <p>NHEL</p>	<p>8</p> <p>X.X</p> <p>X</p> <p>HEL</p>	<p>3 XX.X</p> <p>HEL</p>	<p>Note: Combine field 2, 8 and 3 into new field 9.</p> <p>New field 9 (2, 8 and 3 combined) is HEL.</p>
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## Appendix – NFSAM References:

Refer to National Food Security Act Manual part 511.

- FSA will enter the circumstances regarding the field(s) redefinition in the remarks section of the AD-1026 (511.12a).
- Combine fields, “HEL/NHEL” explained: Fld C should contain two HEL determinations. On the old hard copy map FSA would draw a dashed line and label one portion of the field HEL and the other portion of the field NHEL (see example below). FSA is unable to do this in the GIS CLU Theme. Nebraska NRCS and FSA agreed that these determinations will be flagged as “HEL” in the CLU attribute table and “HEL/NHEL” will be added to the CLU Comments. In this example CLU C = HEL, CLU C Comments = “HEL/NHEL” (511.10c & 511.12a).



- “Permanent” boundary discussion for HEL determination purposes:
  - Conservation practices which appear to subdivide a field, such as field strips, terraces, waterways or filter strips are not a “permanent” boundary for HEL determinations. The HEL determination should be for the entire field, not for the individual conservation practice or sub fields divided by conservation practices (511.10a).
  - A permanent boundary can be a cropline if the cropline is not subject to change. i.e. Two 80 acre tracts farmed by two different operators without a fence between the two 80s would still have a cropline that is not subject to change. The cropline would be a “permanent” boundary for HEL determination purposes (511.11a).
  - A fence or other physical feature (such as a non cropped grass or wooded area that establishes a distinct cropline) is a “permanent” boundary for HEL determination purposes as identified by FSA (511.11a).

Updated January 2011 (previous version 2/09 & 4/04)